

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	)
	)
DAMON'S INTERNATIONAL, INC.	) Chapter 11
	)
Debtor.	)
	) Case No. 09-27920-MBM
.....	)
DAMON'S INTERNATIONAL, INC.	)
	) Doc#_____
Movant	)
	)
v.	)
	)
NO RESPONDENTS	)

**EMERGENCY MOTION FOR JOINT  
ADMINISTRATION OF CHAPTER 11 CASES**

AND NOW, comes Damon's International, Inc., the Debtor and Debtor-In-Possession (the "Debtor"), by and through its proposed attorneys, Blumling & Gusky, LLP, and files the following Motion for Joint Administration of Chapter 11 Cases:

**CERTIFICATE OF NECESSITY**

THE UNDERSIGNED HEREBY CERTIFIES that as a member of the Bar of this Court, I have carefully examined the matter under consideration and to the best of my knowledge, information and belief formed after reasonable inquiry, all allegations are well grounded in fact and all contentions are warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law can be made, that the matter under consideration is not interposed for any improper purpose, such as to harass, or to increase the cost of litigation, and there is just cause to request a consideration of the matter on an emergency basis. I am aware of Federal Rule Civil Pro. 11 and Bankruptcy Rule 9011 and of the consequences which may result from violations thereof.

THE UNDERSIGNED CERTIFIES FURTHER that to allow for ease of administration for the clerk of court and all parties in interest it is necessary that joint administration be ordered at the earliest possible time.

THE UNDERSIGNED CERTIFIES FURTHER that the necessity of this emergency hearing has not been caused by any lack of due diligence on my part, but has been brought about only by circumstances beyond my control or that of my client.

THE UNDERSIGNED CERTIFIES FURTHER that the amount of time needed to present information sufficient under applicable law to enable this Court to enter an order granting the requested relief is fifteen minutes.

1. On this date, Voluntary Petitions for Relief under Chapter 11 of the United States Bankruptcy Code were filed by Damon's Restaurants, Inc., Damon's Restaurants of America, Inc., Damon's of New Philadelphia, Inc., Damon's of Lexington Park, Inc., and Damon's Management, Inc., (the "Damon's Entities").

2. Damon's International, Inc. filed its voluntary petition on October 28, 2009.

3. Damon's Restaurants, Inc., Damon's Restaurants of America, Inc., Damon's of New Philadelphia, Inc., Damon's of Lexington Park, Inc., and Damon's Management, Inc. are all fully owned subsidiaries of Damon's International, Inc.

4. Pursuant to Federal Rule of Bankruptcy Procedure 1015(b), if two or more petitions are pending in the same court by or against, inter alia, a debtor and an affiliate, the court may order joint administration of the estate. F.R.B.P. 1015(b).

5. Pursuant to §101(2)(B) of the Bankruptcy Code, 11 USC §101(2)(B), the term affiliate means a corporation twenty (20%) percent or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with power to vote by an entity that directly or indirectly owns, controls or holds with power to vote, twenty (20%) percent or more

of the voting securities of the Debtor.

6. The Damon's Entities are affiliates within the meaning of §101(2) of the Bankruptcy Code.

7. For ease of administration, and in order to avoid confusion, it is in the best interest of the Debtor, its creditors and the estate if the Debtor's case was consolidated with Damon's International, Inc. and the Damon's Entities, for administrative purposes only, with the filing of all pleadings and other documents, exclusive of proofs of claim, to be filed at the case number of Damon's International, Inc..

8. This Motion is not a request for, and should not be construed as a request that the cases of Damon's International, Inc. and the Damon's Entities be substantively consolidated.

WHEREFORE, the Debtor requests that this Court enter an Order for the Joint Administration of the Chapter 11 cases of Damon's International, Inc., Damon's Restaurants, Inc., Damon's Restaurants of America, Inc., Damon's of New Philadelphia, Inc., Damon's of Lexington Park, Inc., and Damon's Management, Inc., at the case caption and number of Damon's International, Inc.

Respectfully submitted,

BLUMLING & GUSKY, LLP

Dated: 01/29/10

/s/ **Michael Kaminski**

Michael Kaminski, Esquire

Pa. I.D. No. 53493

Haig M. Sakoian, Esquire

Pa. I.D. No. 206032

436 Seventh Avenue

1200 Koppers Building

Pittsburgh, PA 15219

(412) 227-2500

**ATTORNEYS FOR DEBTOR AND  
DEBTOR IN POSSESSION**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing Motion for Joint Administration of Chapter 11 Cases was served upon the following parties via First Class, U.S. Mail, postage prepaid, this 29<sup>th</sup> day of January, 2010.

Office of the United States Trustee  
Liberty Center, Suite 970  
1001 Liberty Avenue  
Pittsburgh, PA 15222

*/s/ Kristine E. Tosadori*  
Kristine E. Tosadori, Paralegal